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Mr. Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

**RE: Comments on Preliminary Discussion Draft of Updates to CEQA
Guidelines Implementing SB 743**

Dear Mr. Calfee:

The Metropolitan Transportation Commission is pleased to submit these comments regarding your August 6, 2014 publication, *"Updating Transportation Impacts Analysis in the CEQA Guidelines"* in response to Senate Bill 743 (Steinberg, 2013). Overall, MTC supports the general approach in the guidelines and has the following specific recommendations:

Proceed With New Approach Cautiously

Given the significant changes proposed in the guidelines, we suggest the first few years of the new guidelines be viewed as an interim "study period," after which further adjustments to the guidelines will likely be needed. OPR can help assuage fears about the risks associated with the proposed changes by sending a clear signal that it understands refinements to the guidelines will likely be needed within a couple of years after agencies have experience with the new approach.

Clarify that Local Jurisdictions May Use LOS Outside of CEQA Process

We recommend the guidelines explicitly state that eliminating LOS from CEQA does not mean that local transportation planners cannot continue to include LOS in other planning documents, including general plans, specific plans or other transportation-related plans.

Provide Additional Detail on Transit and Non-Motorized Impacts

We recommend the guidelines clarify that negative impacts on transit service or non-motorized travel should only be considered significant if they are anticipated to result in a shift from either of those modes to driving. For instance, improvements to a bicycle network that may attract cyclists who would otherwise be expected to take transit should not be considered a significant environmental impact and vice versa.

Simplify, as Permissive Can Be Read as Prescriptive

We suggest removing the long list of potential mitigation measures in the proposed amendments to Appendix F. While these measures are reasonable strategies to reduce VMT from a planning standpoint, by listing them in Section (D)(6)(a-o) of Appendix F and cross-referencing them in the proposed new guidelines, there is the potential that a plaintiff will challenge an EIR that didn't examine all 15 measures in the analysis. As such, this list could have the unintended consequence of making the CEQA process even more challenging than it is already. The same concern applies to the six project alternatives listed in Section E on p. 18 as well as the listing of objectives under "local safety." If deemed necessary, OPR could publish the lists as part of a stand-alone document outside the formal CEQA Guidelines.

Add Guidance on CEQA Exemption and Changes to Parking & Aesthetics in Guidelines

We recommend that OPR make clear how a lead agency can determine whether or not its project is CEQA exempt pursuant to Public Resources Code 21155— as a result of being a transit priority area and being consistent with a specific plan with an adopted EIR—pursuant to revisions made by SB 743. This should state that challenges to a finding of "exempt" are subject to the substantial evidence standard, rather than the fair argument standard. Finally, the CEQA guidelines should affirm that aesthetic and parking impacts of a residential, mixed-use residential or employment center project on an infill site within a TPA shall not be considered significant, pursuant to SB 743.

Goods Movement

We are concerned about the potential impact the guidelines could have on critical goods movement projects that could include rail or roadway capacity expansion. We encourage OPR to be mindful of the economic reality of the freight industry and the challenges of shifting travel patterns from truck to rail. The next draft guidelines and supporting materials should provide more definitions of the term "induced travel" to help the transportation community and CEQA lead agencies better understand how to analyze transportation projects.

Thank you for your consideration of our comments.

Sincerely,



Steve Heminger
Executive Director

cc: Mr. Chris Ganson, OPR

SH: RL/ms